

1 THE CHAIRMAN: Does any other delegate desire to
2 speak in opposition? Delegate Sherbow.

3 DELEGATE SHERBOW: Mr. Chairman, ladies and
4 gentlemen, I ask you to vote in opposition to the
5 reconsideration motion. I hope it does not pass. If it
6 does, I hope you will vote against the proposal and vote
7 for the amendment to take this out of the Constitution.

8 I would like to address myself, without any
9 emotion, to the actual situation as it truly exists in the
10 trial of criminal cases. I have never sat as State's
11 Attorney, I have never prosecuted in a criminal case, but
12 I have sat on the defendant's side of the trial table and
13 I have sat as the judge, and I think I have tried more than
14 my fair share of criminal cases both before a jury and
15 where they sat without a jury.

16 It is literally absurd that in a civil case
17 involving just money or property when the judge speaks
18 to the jury what he tells them the law is they are
19 required to follow, but then when you get into the field of
20 the criminal law the judge must say to the jury, after
21 he gives them complicated instructions dealing with the